

## EXHIBIT 8

**Taylor, Sarah**

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**From:** McKenna, Elizabeth  
**Sent:** Monday, July 23, 2018 12:38 PM  
**To:** 'Provance, Matthew D. (MProvance@mayerbrown.com)'  
**Cc:** 'CDK-MDL-Team@mayerbrown.com'; Wedgworth, Peggy; Hughes, John; Acciavatti, Mike; 'Hafenbrack, Joshua'; 'Rudofsky, Benjamin L.'; 'Ho, Derek T.'; 'Nemelka, Michael N.'  
**Subject:** DMS - CDK Clawback

Matt,

Thank you for your letter of Friday evening, July 20. As we have informed you, along with other grounds, MDL Plaintiffs intend to file a motion that CDK has waived all privileges and protections with respect to the documents identified in Schedule A of your June 21 letter because CDK voluntarily produced those documents to the FTC in the context of an adversarial proceeding.

As the deadline has only been extended until tomorrow, we request that you stipulate to an extension for another week, through July 30, so that you can respond to all of the questions we have asked, beginning on July 12, regarding the FTC production, as well as provide the correspondence, privilege logs, and confidentiality agreement (if one exists), that we have also requested.

We reiterate our request for the following answers to our questions, and have a few follow-up questions as a result of the responses in your July 20 letter:

1. What are the date(s) of your productions to the FTC? When did you first notify the FTC of any request to destroy or return any documents?
2. Will you be producing the privilege log(s) you produced to the FTC to us today, as we requested in our July 19 email? If not, when? This would include a privilege log for the 217 documents referenced in your March 2, 2018 correspondence to Authenticom, in addition to any other privilege logs produced to the FTC.
3. Please provide which documents, by bate-number, CDK requested be clawed-back from the FTC on, respectively, April 13, May 25, as well as the 217 documents referenced in your March 2, 2018 correspondence to Authenticom.
4. Are the April 13, May 25, and 217 documents referenced in your March 2, 2018 correspondence to Authenticom the only instances of CDK clawing back documents from the FTC? If not, please provide additional information on all CDK clawbacks, including when the documents being clawed back were first produced to the FTC, how many documents were in the production, which documents, by bates number, CDK tried to clawback, and please produce any correspondence and privilege logs to us regarding these clawbacks.
5. Why did CDK delay reaching out to the FTC to return or destroy CDK020734/CDK\_CID\_00465472? It appears counsel has still not reached out to clawback this document. Please provide more information on this document and its status.

6. Please provide the correspondence that the FTC has confirmed destruction of the 217 documents referenced in your March 2, 2018 correspondence to Authenticom, including any privilege logs. When were these 217 documents produced to the FTC?
7. In the log that accompanies your July 20 letter, column B, “Privilege Log ID Number,” begins with the bates number, “CDK\_Priv\_0000188.” Are there prior privilege log(s) with bates-numbers preceding 0000188? If so, please explain and produce that privilege log(s).
8. Was it Mayer Brown or counsel for CDK during the FTC investigation who discovered that documents needed to be clawed back from the FTC production(s) (7/20 Ltr at 3-4)? Please explain the circumstances.
9. We requested production of CDK’s correspondence with the FTC on these matters – including a copy of any confidentiality agreement between CDK and the FTC concerning CDK’s document productions concerning CDK’s document productions to the FTC. You have informed us you raised this with your client and will get back to us “shortly.” Given the deadline is tomorrow, we request you either extend the deadline, or provide the information requested today.

Thank you,

Liz

Elizabeth McKenna

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